MT LEGISLATIVE HISTORY

Chapter 448 1979

Bill H 704 S ____ Original bill & hist. ✓ C

H. Committee on Bus. Ind

S. Committee on Local Gov't.

Hearing Date(s)	C	Hearing Date(s)	C
2/16	✓ C	3/15	✓ C
	C		C
	C		C
Date Out 2/16	✓ C	3/15	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

House BILL NO. 707

INTRODUCED BY Smith

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT PRIVATE MOTOR CARRIERS AUTHORIZED BY THE PUBLIC SERVICE COMMISSION TO PROVIDE GARBAGE AND SOLID WASTE SERVICES TO A MUNICIPALITY FROM COMPETITION FROM OR REPLACEMENT BY PUBLIC SERVICES WITHOUT FAIR COMPENSATION FOR EQUIPMENT OR WITHOUT A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Protection of private waste disposal service in municipality. A municipality that receives garbage and solid waste disposal services from a private motor carrier authorized by the public service commission to provide such service may not provide competitive or similar garbage and solid waste service unless the municipality pays the private motor carrier fair market value for his equipment or unless the municipality delays commencing the public service for a period of 5 years from the date of the decision by the municipality to provide the garbage and solid waste services.

-End-

HB 707
INTRODUCED BILL

STATE LAW LIBRARY

AUG 1 0 1979

OF MONTANA

MINUTES

BUSINESS AND INDUSTRY COMMITTEE

46th LEGISLATURE 1979

Members:

Joe Quilici, Chairman
John Vincent, Vice Chairman

Mike Cooney	Jerry Metcalf
Robert Ellerd	Darryl Meyer
Orval Ellison	Dennis Nathe
Gene Frates	Danny Oberg
Hal Harper	Ken Robbins
Andrea Hemstad	Arther Shelden
William Jensen	Barbara Spilker
Gerald Kessler	Chris Stobie
	Joe Tropila

Secretary: Cathy M. Martin

Mr. Stearns also submitted for the record several letters of protest on HB 601. (see attached.)

Mr. Akinsburger, testified briefly in opposition to HB 601.

Mr. Jack Lee, Independent Observer, concurred with other opponents.

Mr. Irvin Hutchison, publisher of the Liverty County Times at Chester, gave testimony in opposition to HB 601. Copy of his testimony is attached. Mr. Hutchison also submitted several letters from people in his community opposing the passage of HB 601. (see attached.)

Mike Meloy, Mt. Press Asso., spoke briefly on section (4) of the bill concerning the 2% preferential, stating this may be challenged by some printers as it is unconstitutional.

There were no other opponents to HB 601.

Questions from the committee followed.

Rep. Gerke closed on HB 601. He stated that the bill is promoting the free interprise system. He said that the small county printers would not necessarily lose the local business they would just have to compete for it.

Hearing on HB 707.

Rep. South, sponsor, explained the intent of the bill.

Mr. Bill Romine, representing the Montana Solid Waste Contractors Asso., testified in support of the bill. Copy of his written testimony is attached. Mr. Romine also passed out copies of proposed amendments to the committee. (see attached)

Mr. John Etchemenly, Miles City , concurred with other proponents and submitted written testimony of Mr. George Huss, councilman for the City of Miles City. (see attached.)

Others stating support of the bill were Dean Holmes, Bester Wilson, Larry Huss, all concurring with previous supporting testimony.

OPPONENTS:

Mr. Carl Abel, Great Falls, testified against HB 707. Statements made by Mr. Abel are attached.

There were no other opponents testifing.

Questions from the committee followed.

Mr. Romine closed for Rep. South.

Mr. Warren Solberg , licensed abstractor, spoke against the bill. He said the bill addresses only the need for tools for the operation and not the personel qualifications of the induviduals doing the work. He also said that he did not agree with the 3 year provisional license.

Scott Seicott spoke briefly as a neutral party.

Mr. Russ Harshberger, American Abstractors & Title Co, concurred with other opponents.

There were no other opponents testifing.

Questions from the committee followed.

Mr. Romine closed for Rep. South.

EXECUTIVE SESSION:

HB 688

Rep. Cooney moved the amendments be adopted. (strike: "of hearing" wherever it appears). Discussion was held on the motion. A vote was taken and carried unanimously. (copy of amendments attached)

Rep. Cooney made a motion that HB 688 AS AMENDED DO PASS. Discussion on the motion followed. Vote was taken and carried unanimously.

HB 707

Rep. Cooney moved the amendments be adopted (see attached). Discussion on the motion was held. Vote was taken and carried unanimously. Rep. Cooney made the motion that HB 707 AS AMENDED DO PASS. Following discussion a sub-motion was made by Rep. Robbins that HB 707 AS AMENDED DO NOT PASS. Discussion was held. A vote was taken and failed 2 - 16. Motion was made to reverse the vote. There was no objection. HB 707 AS AMENDED DO PASS 16 - 2 1 absent.

HB 728

Rep. Nathe made a motion that HB 728 DO NOT PASS. Following discussion Rep. Jensen made a sub-motion that HB 728 DO PASS. Discussion was held on the motion. A vote was taken and carried 10 - 8.

Rep. Cooney made a motion to reconsider the vote to add amendments to the bill. (copy of amendments is attached) Discussion on the amendments followed. A vote was taken and carried unanimously to amend HB 728

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 15, 1979

The minutes of the Local Government Committee was called to order by Chairman McCallum at 12:30 on Thursday, March 15, in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 381: Representative Gene Donaldson, of District 29, presented a brief resume on HB 381 in the absence of Representative Kessler, sponsor of the bill. This bill is an act to amend Section 7-2-4736, MCA, relating to garbage and solid waste service in the event of annexation. This bill is a companion bill to HB 707.

Bill Romine, representing Montana Solid Waste Contractors Association, stated his support of HB 381. Under present law, if an area is annexed by a city, the private garbage collector servicing the area continues his service for three years. This amount of time does not give the private collector time to depreciate his equipment. Mr. Romine offered a written statement. (See attachment.)

Lester Foley, of Billings, stood in support of the bill. He stated that the investment of new equipment is quite large and this would give time to depreciate out the equipment.

John Palagz, of Green's Disposal of Great Falls, stood in support of the bill.

With no further proponents, Chairman McCallum called on the opponents.

Larry Grahl, representing the City of Billings, stood in support of the bill as it is presently worded. Mr. Gohl offered an amendment which, if accepted, the City of Billings would support the bill.

David Hunter, representing the City of Helena, said the people who handle solid waste and garbage last legislative session asked for three years and now they are back asking for two more years. It is getting tougher and tougher to annex. Mr. Hunter stated that he had no objections to the proposed amendments.

There were no further opponents. Therefore, Representative Donaldson made the closing remarks. He stated that he resists the amendments. Some sort of protection and security is needed.

This bill is an act to remove the requirement that the Department of Social and Rehabilitation Services pay the county share of public assistance for one year and to remove the one year residency requirement for liability when a recipient of public assistance moves to another county. Representative Dozier stated that the federal government does not have a residency requirement. This involves only small amounts of money.

There were neither proponents or opponents to the bill.

CONSIDERATION OF HOUSE BILL 696: Representative Robert Dozier, of District 61, chief sponsor of House Bill 696, gave a brief resume. This bill is an act changing the county share of participation in the aid to dependent children grants. Representative Dozier stated that he feels HB 722 and HB 696 go together, hand in hand. The purpose of this bill is to correct a possible inequity which could result with the passage of HB 722. These two bills should perhaps have been in one bill except that they really deal with two different subjects, and thus, one bill was not appropriate.

Judy Carlson, of the Social and Rehabilitation Services, stated that the federal government pays nearly 2/3 of the total grant, the state and county share in the remainder with the county paying 1/3 of that or approximately 12% of the total grant. This bill would simply change the formula so that the county would have to pay only 22.5% of the non-federal share, or a little over 8% of the total payment. (See attachment.)

Gail Stolz stood in support of the basic bill, and what it stands for.

There were no opponents to the bill.

Chairman McCallum opened the meeting to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 707: In the absence of Representative Carroll South, of District 51, sponsor of House Bill 707, Bill Romine, of the Montana Solid Waste Contractors Association, gave a brief resume of the bill. This bill is an act to provide private motor carriers authorized by the Public Service Commission to provide garbage and solid waste services to a municipality from competition from or replacement by public services without fair compensation for equipment or without a delayed effective date. Mr. Romine stated that HB 707 is a companion bill to HB 696. Mr. Romine stated in many cities and towns, no city garbage collection is provided. In other cities and towns, there is both public and private garbage collection. In either instance, the private garbage collector has expended a great deal of money to purchase his equipment and to keep it modern and repaired. It would be unjust for a city municipality to drive the private carrier out of business without giving that carrier an opportunity to depreciate his equipment. It takes at least 5 years for his equipment to be depreciated.

Vester Wilson, of the Montana Solid Waste, stated this bill would give protection to the private collector. Mr. Wilson stated his support of the bill.

John Etchemendy, Miles City Sanitation Department, stated that equipment is expensive, and as written, would help everyone. He asked the Committee for some protection.

John Bell, Helena, stood in support of this bill.

John Palagz, of Green's Disposal, stood in support of the bill.

Les Foley, of D & F of Billings, also stood in support of the bill and asked for some protection.

With no further proponents, Chairman McCallum called on the opponents.

Dan Mizner, of the League of Cities and Towns, stated his concern regarding this bill. However, he felt that the problem could be solved with some amendments.

Bill Romine made the closing remarks, being as there were no further opponents. Mr. Romine stated that without this bill, the private collector is going to be reluctant to provide services or to maintain his equipment if he can be put out of business upon little or no notice.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

Senator Watt asked who sets the rates. Mr. Romine explained that the rates are set by the Public Service Commission.

DISPOSITION OF HOUSE BILL 707: A motion was made by Senator Rasmussen that House Bill 707 receive a recommendation of "BE CONCURRED IN" from the Committee. Motion carried.

DISPOSITION OF HOUSE BILL 382: Senator Lockrem stated that this is concerned mainly with his area, therefore, he will try to get the two groups involved to sit down and work out some agreeable amendments to the bill. Everyone felt this was a good idea.

Being as time is of the essence, a motion was made by Senator Lockrem that the amendments be accepted. Motion carried.

A motion was made by Senator Lockrem that HB 382 receive a recommendation of "BE CONCURRED IN, as amended" from the Committee. Motion carried.

DISPOSITION OF HOUSE BILL 553: This bill is in regard to police officers' retirement systems.

A motion was made by Senator O'Hara that HB 553 receive a

March 15, 19 73

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 707

South (Rasmussen)

Respectfully report as follows: That House Bill No. 707

DO PASS BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

3-15-79

William L. Romine
Mont. Sol. Waste Contractors Association
P.O. Box 1691
Helena
442-2220

HOUSE BILL NO. 707.

House Bill 707, as introduced, contained some technical errors. The Bill, as amended, would provide the underlying purposes for which it was introduced. With the Amendment, the Bill states that any municipality which decides to provide the exclusive and sole garbage collection, and therefore prohibit any future private garbage collection in that municipality, must either pay the private garbage collector the fair market value for his equipment, or delay its decision to provide the exclusive garbage collection for five (5) years.

In many cities and towns, no city garbage collection is provided. In other cities and towns, there is both public and private garbage collection. In either instance, the private garbage collector has expended a great deal of money to purchase his equipment and to keep it modern and repaired. It would be unjust for a city municipality to drive the private carrier out of business without giving that carrier an opportunity to depreciate his equipment.

It takes at least five (5) years for this equipment to be depreciated, and therefore, this Bill would give the private carrier an opportunity to depreciate his equipment after learning that the municipality has decided to provide the sole garbage collection service in the city. In the alternative, if there is a particular need, the city can purchase the private carrier's equipment at its fair market value and begin collection services immediately.

Without this Bill, the private collector is going to be reluctant to provide services or to maintain his equipment if he can be put out of business upon little or no notice.

SENATE _____ COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPOSE
William L. Rennie	Mont. Solid Waste Contractors Association	H.B. 381	✓	
" "	" " " "	H.B. 707	✓	
[illegible]	[illegible]	[illegible]	✓	
" "	" " "	[illegible]	✓	
Josephie ISAAK	State Auditor	HB 553		
[illegible]	[illegible]	HB 381 HB 707	✓	
Ray E. Bennett	City of Billings	HB 381		
Leslie E Fahey	Dept of Public Health	381 707		
[illegible]	[illegible]	[illegible]		
MIKE McGRATH	ATTY GEN	HB 553	✓	
C.C. Fay		381 707	✓	
John PALCO	Cobbing Disposal	381	✓	
"	"	707	✓	
Ron C. Klein	Mont Coal	[illegible]		
David Hunter	City of Helena	381, 382		✓
Barbara Daniels	DHES	✓ HB 704		
Donna Hartley	Mont Solid Waste	HB 381		
Donna Hartley	" " "	HB 707		
Ray Blehm	Mt St Insurance Assn	HB 382		✓
HARRISON FAGG	DIST. #63 -	HB 707	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

HOUSE BILL NO. 707

INTRODUCED BY SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT PRIVATE MOTOR CARRIERS AUTHORIZED BY THE PUBLIC SERVICE COMMISSION TO PROVIDE GARBAGE AND SOLID WASTE SERVICES TO A MUNICIPALITY FROM COMPETITION FROM OR REPLACEMENT BY PUBLIC SERVICES WITHOUT FAIR COMPENSATION FOR EQUIPMENT OR WITHOUT A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Protection of private waste disposal service in municipality. A municipality, AS OF JANUARY 1, 1979, that receives garbage and solid waste disposal services from a private motor carrier authorized by the public service commission to provide such service may not ~~provide competitive or similar~~, BY ORDINANCE OR OTHERWISE, ELECT TO PROVIDE EXCLUSIVE garbage and solid waste service unless the municipality pays the private motor carrier fair market value for his equipment or unless the municipality delays commencing the public service for a period of 5 years from the date of the decision by the municipality to provide the garbage and solid waste services. THE PRIVATE MOTOR CARRIER SHALL BE GIVEN NOTICE OF THE DECISION BY THE MUNICIPALITY TO PROVIDE EXCLUSIVE GARBAGE AND SOLID WASTE SERVICES NO LATER THAN 10 DAYS AFTER THE DECISION HAS BEEN MADE BY THE MUNICIPALITY.

-End-

REFERENCE BILL